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1 ROBERT P. VARIAN (STATE BAR NO. 107459)
rvarian@orrick.com
2 JAMES N. KRAMER (STATE BAR NO. 154709)
jkramer@orrick.com
3 JUSTIN M. LICHTERMAN (STATE BAR NO. 225734)
jlichterman@orrick.com
4 JOSHUA D. WATTS (STATE BAR NO. 240977)
jwatts@orrick.com
5 ORRICK, HERRINGTON & SUTCLIFFE LLP
6 The Orrick Building
405 Howard Street
7 San Francisco, CA 94105-2669
Telephone: +1-415-773-5700
8 Facsimile: +1-415-773-5759

9 Attorneys for Defendant
10 NVIDIA CORPORATION

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15) Case No. C-08-04312-JW (HRL)
16)
The NVIDIA GPU Litigation) ~~PROPOSED~~ STIPULATED ORDER
17) INSTITUTING DISCOVERY WALL
18)
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1 On April 9, 2009 the Honorable Judge Ware presiding, entered an Order (the “April 9
2 Order”) appointing Milberg LLP lead counsel in this consolidated action, captioned *The NVIDIA*
3 *GPU Litigation*, Case. No. C-08-04312-JW (the “GPU Litigation”);

4 Milberg LLP is also appointed lead counsel in another action, captioned *In re NVIDIA*
5 *Corp. Securities Litig.*, Case No. C-08-04260-JW (N.D. Cal.) (the “Securities Case”), which
6 involves overlapping factual issues with the GPU Litigation and is also pending before Judge
7 Ware;

8 Discovery in the Securities Case is subject to the automatic discovery stay provisions of
9 the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b)(3)(B) (the “Reform
10 Act Stay”);

11 Prior to issuance of the April 9 Order the parties discussed and briefed issues regarding
12 the Reform Act Stay, and the possibility that plaintiffs in the Securities Case might receive or
13 have access to discovery and related information from the GPU Litigation during the Reform Act
14 Stay;

15 The April 9, 2009 Order mandated that “the parties shall contact Judge Lloyd’s Chambers
16 to set a conference to work out a protective order regarding Milberg LLP’s involvement in the
17 securities class action involving NVIDIA”;

18 Milberg LLP, as Court-appointed lead counsel, is authorized to act on behalf of all
19 plaintiffs in the GPU Litigation (the “Plaintiffs”) for purposes of entering into a protective order,
20 and has consulted with other counsel for the Parties as necessary or appropriate regarding the
21 terms and conditions of this Stipulated Protective Order; and

22 Milberg LLP and counsel for defendants NVIDIA and Hewlett-Packard Company met
23 and conferred, and subject to Court approval worked out and agreed to the terms and conditions
24 set forth in this Stipulated Protective Order.

25 NOW THEREFORE, the parties, by and through the undersigned counsel, stipulate and
26 agree as follows:

1 1. While the Reform Act Stay is in effect in the Securities Case, no Plaintiff, agent
2 of any Plaintiff, Plaintiff's counsel, or agent of Plaintiff's counsel will transmit or convey any
3 document, knowledge or information obtained in discovery in the GPU Litigation ("Discovery
4 Information") to any plaintiff, agent of any plaintiff, plaintiff's counsel, or agent of plaintiff's
5 counsel, in the Securities Case; nor will any Discovery Information be used in connection with
6 the Securities Case.

7 2. While the Reform Act Stay is in effect in the Securities Case, no Plaintiff, agent
8 of any Plaintiff, Plaintiff's counsel, or agent of Plaintiff's counsel will make any Discovery
9 Information available to any plaintiff, agent of any plaintiff, plaintiff's counsel, or agent of
10 plaintiffs' counsel, in the Securities Case.

11 3. This Order does not prevent law firms that are counsel of record in both the GPU
12 Litigation and the Securities Case from receiving Discovery Information, but controls the
13 dissemination and handling of Discovery Information within those firms.

14 4. The Discovery Information subject to this Order does not include information,
15 knowledge or documents that are obtained by Plaintiffs or Plaintiffs' counsel, or their respective
16 agents, outside of the discovery process in the GPU Litigation, nor does it include information
17 that is publicly available.

18 5. This Order will cease to have effect upon the earlier of the expiration of the
19 Reform Act Stay in the Securities Case, or the final disposition of the Securities Case.

20 6. If any party believes that subsequent events warrant a modification of this Order,
21 that party will make a good-faith effort to confer with the other party or parties in an attempt to
22 resolve any issue or dispute before petitioning the Court for modification of this Order.

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MILBERG LLP
JEFF S. WESTERMAN
300 South Grand Avenue, Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1975

ORRICK, HERRINGTON & SUTCLIFFE LLP
ROBERT P. VARIAN
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759

By: /s/ Jeff S. Westerman
Jeff S. Westerman

By: /s/ Robert P. Varian
Robert P. Varian

Lead Counsel for Plaintiffs

Counsel for Defendant NVIDIA

MORGAN, LEWIS & BOCKIUS LLP
ROBERT A. PARTICELLI, III
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: (215) 963-5000
Facsimile: (215) 963-5001


By: /s/ Robert A. Particelli, III
Robert A. Particelli, III

*Counsel for Defendant Hewlett-Packard
Company*

The filer shall attest that concurrence in the filing of the document has been obtained from each of the other signatories, or from a single signatory (in the case, e.g., of a declaration) which shall serve in lieu of their signature(s) on the document.

PURSUANT TO STIPULATION,
IT IS SO ORDERED.

Dated: May 11, 2009
~~April~~


HONORABLE HOWARD R. LLOYD
MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA